IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 666 (S/S) of 2006

Manoj Suyal,
aged about 24 years,
son of late Sri Mahesh Chandra Suyal,
resident of Post Office – Arjunpur,
Goraparao,
Haldwani. **……Petitioner**

Versus

1. Union of India through its Secretary, Department of Post, India, New Delhi.
2. Senior Superintendent of Post, Nainital Division, Nainital.
3. Director General of Post, New Delhi.

…… Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Anil Kumar Joshi, learned counsel for the petitioner and learned standing counsel for Union of India on behalf of respondents.

By means of this writ petition, petitioner has prayed for following reliefs:

(i) issue a writ of Mandamus commanding the respondents to appoint the petitioner under the provisions of Dying in Harness.

(ii) Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstance of the case.

(iii) Allow the writ petition with costs.

The submission of the petitioner is that father of the petitioner, who was working as Postal Assistant with respondent no. 2 died on 31.05.2005 while in service. Petitioner moved an application before Senior Superintendent of Post, Nainital Division, Nainital on 29.08.2005 for providing appointment under Dying in Harness Rule. The said application is still pending before respondent no. 2.

During the course of argument, learned counsel for the petitioner has confined his prayer to dispose of the writ petition with a direction to the respondent no. 2 to take decision on the application of the petitioner dated 29.08.2005 (Annexure No. 2 to the writ petition) at the earliest.

The prayer is innocuous. Consequently, I direct the respondent no. 2 to take decision on the petitioner's application dated 29.08.2005 (Annexure No. 2 to the writ petition) within a period of six weeks from the date of production of certified copy of the order.

With this direct the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

May 17, 2006
SKSharma